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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 11
June 7, 2010

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Ell, Council Members Davidson, Fleming, Murray and Reed present.

BURLINGTON CITY COUNCIL

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Murray Seconded By: Fleming
MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Ell reviewed the items listed on the consent agenda to the viewing audience. Council Member Davidson announced those individuals appointed to various City commissions and boards. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES) CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amendment to Ordinance No. 3220, an Ordinance Creating the Sunrise West Planned Unit Development (PUD) Overlay Zoning District, by Amending Section 4. Land Use Requirements of Such Ordinance

COMMENTS: The City Planner stated that the developer of Sunrise West has requested an Ordinance amending Section 4. Land Use Requirements to change the setback. He stated that many of the homes presently have cement slab patios and the property owners would like to have either a roof over the patio or the patio made into a three-season porch. He stated that the homes located on the outside of Sunrise West adjacent to other properties are not included and would maintain their current setbacks. David Wiemer of 1214 Messiah Drive urged the City Council to approve the Ordinance Amendment as he would like to place a roof and screen on his porch. Mayor Ell asked what the setbacks will be with the amendment. The City Planner stated that there would still be a minimum of 25-feet between adjacent buildings for the 1st Addition of Sunrise West PUD while the original Sunrise West development would require a 35-feet between adjacent buildings. He further stated that the Building Inspector did not have a problem with the proposed amendment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray
Motion to Close

Seconded By: Davidson

CARRIED

Introduced By: Murray
Motion for Preliminary Adoption of the First Reading of an Ordinance Amendment to Ordinance No. 3220, an Ordinance Creating the Sunrise West Planned Unit Development (PUD) Overlay Zoning District, by Amending Section 4. Land Use Requirements of Such Ordinance

Seconded By: Fleming

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCE:

Introduced By: Davidson
1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning Property Located at 619 South 3rd Street from M-1, Light Industrial Zoning District to R-3, Two-Family Residential Zoning District

Seconded By: Murray

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Rezoning Property Located at 619 South 3rd Street from M-1, Light Industrial Zoning District to R-3, Two-Family Residential Zoning District from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Davidson
2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning Property Located at 619 South 3rd Street from M-1, Light Industrial Zoning District to R-3, Two-Family Residential Zoning District

Seconded By: Murray

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Reed
1. Resolution Authorizing the Mayor to Sign State of Iowa Transportation Enhancement Grant Award Agreement for Flint River Trail

Seconded By: Davidson

DISCUSSION: The City Planner presented the City Council and the viewing audience

with a map of the Flint River Trail. He stated that the City started received grant money in 2007 and has received a total of \$1,159,123.40. He stated that construction of the Flint River Trail should be completed by 2013. Mayor Ell stated that the City has been very successful in obtaining grants for the trail.

All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Fleming
2. Resolution Providing for a Salary Adjustment for the City Manager

Seconded By: Reed

DISCUSSION: Mayor Ell stated that the City Council has decided to extend the City Manager's contract from 2011 to 2012 along with a salary increase of 1.25

%

on July 1, 2010 and 1% on January 1, 2011. He stated that the proposed salary increase was less than many City employees will be receiving. Council Member Davidson stated that the City Manager would also receive an increase to his auto allowance and his retirement. Mayor Ell stated that the City Manager's salary was lower than many City Managers in Iowa with comparable populations. Council Member Murray stated that the office of the City Manager was a very difficult and challenging position, but he felt that he could not support the increase at this time due to the City, Des Moines County and Burlington Community School District having raised taxes. He stated that it was not a reflection on the City Manager. Council Member Davidson stated that the salary increase was small

and was warranted. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES REED, DAVIDSON, ELL AND FLEMING

1 - NAY MURRAY)

ADOPTED

COMMENTS FROM AUDIENCE: David Wiemer of 1214 Messiah Drive suggested that the City Council consider constructing the Joint Law Enforcement Center on the south

side of Flint Hills Manor between Valley Street and Agency Street along with a high class restaurant located at the corner of Roosevelt Avenue and Agency Street. Mayor Ell stated that he was reluctant to take the property off the of the tax rolls. He stated that the Des Moines County Sheriff and the Police Chief have proposed the area at Flint Hills Manor as a possible location for the

Joint Law Enforcement Center. The City Manager stated that the area was one of five sites reviewed. Leon Shahan of 1821 Mt. Pleasant Street stated that he agreed with Tim Scott's letter that the Line Saver Program was full of holes.

He stated that he was interested in being protected, but was concerned if he would be protected by the Line Saver Program. Mayor Ell stated that a supplementary sheet was supposed to go out to property owners along with the letter from the Mayor. He stated that he was unsure if Tim Scott's letter in the newspaper was completely accurate and suggested that Leon Shahan contact American Water Resources toll free phone number with any questions. He further stated that The Hawk Eye Reporter Jeff Abel has also spoken with American Water Resources. Council Member Murray stated that he hoped that The Hawk Eye would run an article on the issue. The City Manager reviewed the history of the sewer

lateral program. He stated that the sewer lateral program was a voluntary program and he felt it was a good program offered to property owners. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:13 p.m.

Approved: June 21, 2010

Kathleen P. Salisbury, MMC
City Clerk

William L. Ell
Mayor

(See tapes on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I.

Consent Agenda

FINANCES AND MISCELLANEOUS

Minutes of Previous Meetings

Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance, Final Payment and Release of Retention

Monies for the 2009 Railroad Quiet Zone Project

3. Resolution Approving Audit Services Agreement for Fiscal Year 2009-2010 with Eide Bailly LLP

4. Resolution Approving Change Order No. 1 for the 2010 HMA Resurfacing Project

5. Resolution Awarding David Bessine Electric, Inc. of Burlington, Iowa the Contract for the Addition of an Automatic Transfer Switch for Motor Control Center 2 and Other Contract Specified Electrical Improvements at the Burlington,

Iowa Wastewater Treatment Facility

6. Resolution Authorizing the Filing of an Application for Additional Funds from

the Iowa Department of Economic Development's Neighborhood Stabilization Program

in the Amount of \$424,000.00 for Rehabilitation or Demolition of Abandoned And/Or Foreclosed Homes

SET DATE FOR PUBLIC HEARINGS: JUNE 21, 2010

1. Consideration of Sale of Property Locally Known as 603 South 4th Street, City

of Burlington, Des Moines County, Iowa

2. Consideration of Permanent Encroachment Agreement between the City of Burlington and Diane M. Darnall Trustee for a Handicap Accessible Ramp Located at 206 North 4th Street, Burlington, Iowa

APPOINTMENTS:

Library Board of Trustees: Jerry Parks

Economic Development Advisory Committee: Elizabeth VanVleck and Owen Sloan

Parks Advisory Committee: Cynthia House and John Schulte